



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 18, 2004

Call to Order

The regular meeting of the Sussex County Council was held Tuesday, May 18, 2004, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
Finley B. Jones, Jr.	Vice President
Lynn J. Rogers	Member
George B. Cole	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
James D. Griffin	County Attorney

M 315 04 Approve Agenda

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to amend the Agenda by deleting the following:

- Approval of Minutes – May 11, 2004
- Major Randy Hughes – Delaware State Police Update
- Live Near Your Work Program
- Grant Request – Kent Sussex Industries
- Introduction of Proposed Zoning Ordinances

and; to approve the Agenda, as amended.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea**

M 316 04 Approve Minutes

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the minutes of May 4, 2004.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;

**Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea**

**Corre-
spondence**

Mr. Griffin read the following correspondence:

**BETTYLOU EVANS, VETERANS COUNCIL, LAUREL, DELAWARE.
RE: Letter in appreciation of grant.**

Agreements

**Mr. Stickels presented agreements relating to the construction of
wastewater facilities.**

**M 317 04
Execute
Agreements/
Hamlet at
Dirickson
Pond, LLC**

**A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the
recommendation of the Sussex County Engineering Department, for Sussex
County Project No. 81-04, Agreement No. 344, that the Sussex County
Council execute a Construction Administration and Construction
Inspection Agreement between Sussex County Council and Hamlet at
Dirickson Pond, LLC for wastewater facilities to be constructed in The
Hamlet at Dirickson Pond, located in the Bayard Sanitary Sewer District.**

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea**

**M 318 04
Execute
Agreements/
Washington
Heights**

**A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the
recommendation of the Sussex County Engineering Department, for Sussex
County Project No. 81-04, Agreement No. 356, that the Sussex County
Council execute a Construction Administration and Construction
Inspection Agreement between Sussex County Council and Washington
Heights at Rehoboth, LLC, for wastewater facilities to be constructed in
Washington Place, located in the West Rehoboth Expansion of the Dewey
Beach Sanitary Sewer District.**

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea**

**Adminis-
trator's
Report**

Mr. Stickels read the following information in his Administrator's Report:

1. Delaware State Housing Authority Audit Closeout Report

**The Delaware State Housing Authority has completed their review of
the Conditional Closeout Agreement for Sussex County DRI
Contract No. 03-98. I am pleased to inform the Council that the
Authority has approved the closeout and there are no violations cited
at this time. I would like to compliment Mr. Lecates and his staff for**

outstanding work.

2. **Beneficial Acceptance**

The Engineering Department granted Beneficial Acceptance on May 10, 2004, to Sussex County Project No. 81-04, Waterside, Phase IV, in the South Bethany Sanitary Sewer District, Agreement No. 353. Included with this report is a fact sheet on the project.

Adminis-
trator's
Report
(continued)

3. **Emergency Medical Services (EMS) Protective Clothing**

Bids were opened on Monday, May 17, 2004, for the purchase of protective apparel for the EMS Department. One bid was received and two others declined to bid. The response was open according to County policy. The results of the bids are as follows:

Protective Coats	\$328.75 Each
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Protective Pants	\$270.00 Each
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Combined Options (Liner, hood, radio pocket, flashlight holder, helmet snap, pocket, embroidered name, back lettering, patches, belt loops, Kevlar belt, knee pads, suspenders, etc.)	\$268.15
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After review, it was recommended that the bid submitted by MES-Firebrand would meet the needs and budget of the Paramedic Department.

4. **FY 2005 Budget**

The Budget Committee will present the FY 2005 budget on Tuesday, May 25, 2004, during the regularly scheduled Council meeting at 10:00 a.m. A special press presentation will take place in the Council Chambers at 7:30 a.m.

5. **State Planning Office Meeting**

The City of Milford has requested a meeting with the State Planning Office to discuss the Comprehensive Land Use Plan. The meeting will take place on Friday, May 21, 2004, at 9:00 a.m. at the offices of Davis, Bowen & Friedel located at 23 North Walnut Street, Milford, Delaware. Mr. Dukes, Mr. Jones, and Mr. Rogers will be representing the Sussex County Council during this meeting.

Industrial
Park
Leases

Mr. Masten, Director of Economic Development, advised the County Council that two new clients are interested in leasing space at the Industrial Park.

Ethan Rhodes of Builders Supply of Delmarva, Inc. stated that they have

outgrown their current location at the former Ice Plant in Georgetown and are looking to move to the Industrial Park to expand their business. They propose to use the facility at the Industrial Park to store building materials which they supply to builders, contractors, developers, and homeowners in the area.

**Industrial
Park
Leases
(continued)**

Jeffrey Burton of American Portable Mini Storage, Inc. stated that he wants to lease land at the Industrial Park to be used for a new base of operations and a 3600 square foot production facility. He stated that the business offers the delivery of mini storage units directly to the customer's location.

Mr. Masten advised that each lease will be for a term of 30 years and that the monthly rental will increase every five years. The rent for the first five years will be \$400.00 monthly and will increase \$200.00 every five years thereafter. At the end of the term of the lease, a new lease will have to be negotiated.

**M 319 04
Authorize
Lease with
Michael &
Ethan
Rhodes,
t/a Builders
Supply of
Delmarva,
Inc.**

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to authorize a 30-year lease with Michael and Ethan Rhodes, t/a Builders Supply of Delmarva, Inc., for Lot No. 21 (consisting of approximately 3.1 acres) located on Baltimore Avenue in the Sussex County Industrial Park. The lease will be prepared by the County Attorney and contingent on the review of the Sussex County Administrator, Finance Director, and approvals as necessary to authorize the President of the Sussex County Council to execute the lease.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea**

**M 320 04
Authorize
Lease with
Jeffrey
Scott
Burton,
t/a
American
Portable
Mini
Storage, Inc.**

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to authorize a 30-year lease with Jeffrey Scott Burton, t/a American Portable Mini Storage, Inc., for Lot No. 23 (consisting of 3+ acres) located on Baltimore Avenue in the Sussex County Industrial Park. The lease will be prepared by the County Attorney and contingent on the review of the Sussex County Administrator, Finance Director, and approvals as necessary to authorize the President of the Sussex County Council to execute the lease.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea**

**Pension
Committee**

Mr. Baker summarized the meeting of the Pension Committee, which was held on May 11, 2004. Mr. Baker reported that the Actuary's (Aon

Report Consulting, Inc.) recommended Annual Required Contribution (ARC) for 2004, without cost of living increases, was 5.31 percent of payroll. With cost of living increases, the required contribution would be 9.8 percent of payroll. The actuary's recommended contribution for Fiscal 2005 is 13.9 percent of payroll, or nearly \$2 million. The annual required contribution was up \$167,000, primarily due to the averaging of losses from 2000 to 2002. Also, the County's active population of pensioners increased by 4 percent.

Pension Committee Report (continued) Mr. Baker reported that the Actuary uses an asset smoothing method to calculate the contribution each year. This fiscal year, the annual pension cost that GASB Accounting Standards would require is \$1,366,067 to be expensed, with \$1,594,387 required for Fiscal 2005.

Mr. Baker reported that the income for the year was \$3.7 million in earnings and investment returns. The County contributed \$1,852,197 to the pension fund as per the budget. In addition, benefits were paid to current pensioners in the amount of \$795,000; this amount was paid out of the General Fund. Projected benefit payments for 2004 are \$868,602, with \$2,174,855 being projected for 2013. This is a 150 percent increase over this time period, reflecting the County's increasing pensioner payment liability.

Mr. Baker reviewed a report from the Actuary on the Retiree Benefit Program as of January 1, 2002. The report recommends that the County should contribute to pre-fund benefits for active employees expected to receive these benefits and to fund the liability for future benefits to current retirees over the next thirty years. The report notes that the Actuary recommends a contribution of approximately \$2 million per year. Mr. Baker noted that there are GASB guidelines pending which will require local governments to expense this liability in the future. He further noted that this may be implemented in 2008. Mr. Baker reported that approximately \$1,657,000 is presently in the Sussex County Post Retirement Benefits Account.

Mr. Baker reported that the Committee recommended that the budget for Fiscal 2005 include the recommended contribution of 13.9 percent of payroll for pensions and 5 percent of payroll for the pensioner post-employment benefit fund.

Mr. Baker reviewed spreadsheets regarding the pension fund performance. The 2003 increase in value from investment earnings of 20.56 percent was \$3,703,847. For the quarter ended March 31, 2004, the total return for the fund was 3.14 percent, for a total value of \$24,311,891. The breakdown of the \$24,311,891 is as follows: Wilmington Trust - \$8,241,258, Fidelity - \$4,129,475, and State of Delaware - \$11,941,158. The total return for 2003 was 20.56 percent, with a total value of \$23,571,827. The breakdown of the \$23.6 million is as follows: Wilmington Trust - \$8,012,106; Fidelity - \$4,033,507; and State of Delaware - \$11,526,214. The 2003 increase in value from investment earnings of 20.56 percent was \$3,703,847. The return of 20.56 percent compares to -10 percent last year and -5 percent the year

before. The Actuary's assumption rate is 8 percent.

**Pension
Committee
Report
(continued)**

Mr. Baker reported on the return for the three managers for 2003: Wilmington Trust at 18.50 percent; Fidelity at 18.53 percent; and State of Delaware at 22.70 percent (with comparable indices of 20.60 percent). The overall average for all three managers is 20.56 percent. The return for the three managers, as of March 31, 2004, are: State of Delaware at 3.60 percent; Wilmington Trust at 2.70 percent; and Fidelity Investments at 2.38 percent. Overall, since January 1, 1994 (the first year the County started investing in stocks), the County's average rate of return has been 8.13 percent. Since the County began investing in stocks, the State's return has averaged 8.77 percent (last 7 years); Fidelity at 8.71 percent (last 8 years); and Wilmington Trust at 7.57 percent (last 10 years).

Mr. Baker discussed Wilmington Trust's recommendation regarding its Value Funds. Currently, the Value Funds (\$876,000) are invested in Federated Stock Trust. Wilmington Trust is recommending that the money be switched to Dodge & Cox Stock Funds, which has out-performed Federated Stock Trust over the last ten years.

**M 321 04
Authorize
Changing
Wilmington
Trust Value
Fund
Investment**

A Motion was made by Mr. Cole, seconded by Mr. Jones, that the Sussex County Council recommends changing the Wilmington Trust Value Fund Investment from Federated Stock Trust Fund to Dodge & Cox Stock Funds to improve performance, as recommended by the Sussex County Pension Committee.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea**

**Grant
Requests**

Mr. Stickels presented grant requests for the County Council's consideration.

**M 322 04
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the University of Delaware Sea Grant Program for the land use educational seminar, "Town and Regional Planning to Insure Livability and Profitability".

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea**

**M 323 04
Council-
manic**

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$800.00 (\$400.00 each from Mr. Jones' and Mr. Rogers' Councilmanic Grant Accounts) to Milford Community Parades, Inc. for the 2004 parade

Grant scheduled to be held on October 27, 2004.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 324 04 Councilmanic Grant A Motion was made by Mr. Rogers, seconded by Mr. Jones, to give \$210.00 from Mr. Rogers' Councilmanic Grant Account to the Town of Milton for portable toilets to be located near the Town's park.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Comments Mr. Dan Kramer advised the County Council of Senate Bill No. 254.

Sussex Conservation District Funding Mr. Cole commented on the Sussex Conservation District's request for additional funding in the amount of \$500,000 annually from the State and the County for the tax ditch program. Mr. Stickels stated that, at the meeting, he said that he would recommend to the County Council a match to the State's contribution in an amount up to \$250,000 over the next five years. Mr. Cole noted that this matter was never brought up at a County Council meeting. Mr. Dukes stated that a recommendation has never been made during a County Council meeting because no indication has been received from the State that they plan to provide the matching funds.

M 325 04 Recess At 10:57 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Jones, to recess until 1:00 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Dukes called Council back into session at 1:05 p.m.

Public Hearing (C/U No. 1534) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO BODY SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 21.12 ACRES, MORE OR LESS" (Conditional Use No. 1534) filed on behalf of Kevin A. Davis.

The Planning and Zoning Commission held a Public Hearing on this application on April 29, 2004 at which time they recommended that the application be approved with conditions.

Mr. Abbott, Assistant Director of Planning and Zoning, read a summary of the Commission's Public Hearing. The summary, including the

recommendation and the findings, were admitted as part of the County Council's record.

Public
Hearing
(C/U
No. 1534)
(continued)

Mr. Abbot reported that, on May 11, 2004 (after the Public Hearing before the Planning and Zoning Commission), a letter was received from the Office of State Planning Coordination which stated that the parcel is located within a rural area and within the low density area of the Sussex County Comprehensive Plan; that the State would prefer to see commercial establishments located within the community or the developing areas of the strategies document; that the Office objects to the conditional use proposal; that if the County determines that the conditional use is feasible in the proposed area, they should require a buffer between this parcel and other parcels in the area; that the State Historic Preservation Office has noted that there is a potential historic property southwest of the subject parcel and that these areas should also be buffered; and that any change in use for this property will require an entrance approval from DelDOT.

The County Council found that Kevin Davis was present. He told the County Council that he proposes to have an auto repair shop on his property; that he plans to use the existing buildings on the site; that he does not plan to use the entire 21 acres; that the activity will be contained in the area surrounding the buildings; that wrecked cars will be stored in the existing chicken house; that all activity will be contained within the existing buildings; and that he will not be hiring any employees.

Mr. Arthur Davis, the applicant's father, spoke in favor of the application.

There were no additional public comments and the Public Hearing was closed.

M 326 04
Adopt
Ordinance
No. 1690
(C/U
No. 1534)

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to Adopt Ordinance No. 1690 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO BODY SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 21.12 ACRES, MORE OR LESS" (Conditional Use No. 1534) filed on behalf of Kevin A. Davis, with the following conditions:

1. One unlighted sign, not exceeding 32 square feet per side or facing, shall be permitted.
2. All vehicles shall be parked in the parking area shown on the site plan or in buildings and that vehicles waiting to be repaired will be stored inside the old chicken house located behind the building where the body shop will be operated.
3. No scrap metal or other debris shall be stored within view of the County roads.
4. All body work shall be performed inside the body shop building.
5. Business hours shall be Monday through Saturday, 7:00 a.m. through

10:00 p.m., with no Sunday hours.

- 6. The final site plan shall be subject to the review and approval of the Planning and Zoning Commission**

Motion Adopted: 5 Yea.

**M 326 04
(continued)**

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea**

**Public
Hearing
(C/U
No. 1535)**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT TO CONDITIONAL USES NO. 1370 AND NO. 1443 BY ADDING THE SALE OF MULCH, STONE, AND RELATED LANDSCAPE GOODS AND TO REMOVE THE WETLAND RESTRICTION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 39.81 ACRES, MORE OR LESS” (Conditional Use No. 1535) filed on behalf of The Barn Yard.

The Planning and Zoning Commission held a Public Hearing on this application on April 29, 2004 at which time they recommended that the application be approved, with the approval being limited to the sale of mulch, stone, and related landscape goods. The Commission did not recommend approving the removal of the wetlands restrictions that were contained in the prior conditional uses granted to the applicant.

Mr. Abbott, Assistant Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. The summary, including the recommendation and the findings, were admitted as part of the County Council’s record.

Mr. Abbott reported that letters were received from Neil and Kristen Trugman and Boardwalk Builders in support of the application.

The County Council found that Jay Beach was present on behalf of his application. He stated that he needs to make some changes to his business to make it more profitable; that he has been selling mulch for approximately one month; that he has six acres of wetlands on the three parcels around the farm; that they use the wetlands to ride horses; that DNREC has inspected the property and there are no violations of the wetlands; that he would like to clean-out the wetland area (not clear-cut it); that the Planning and Zoning Commission proposed a condition limiting the number of bins to three and that he would like to have this limitation lifted; that, at the least, he would like to have 16 bins; that he has 300 feet of depth in which to locate the bins; that he proposes the retail hours of the business

to be 8:00 a.m. to 6:00 p.m. seven days a week; and that there will be no material deliveries on Sunday.

Public
Hearing
(C/U
No. 1535)
(continued)

Mr. Griffin advised the applicant that his other conditional uses do not prohibit him from cleaning out the wetlands. Conditional Use No. 1370, Stipulation No. 2, states that “the existing wetlands shall not be disturbed except for removal of fallen trees, stumps, branches, and clean-out of any storm drains”. It was noted that this condition only applies to the site of the Conditional Use Permit for commercial use (300 feet) and that it does not pertain to the wetlands in the back. Mr. Beach was advised that he would have to follow the requirements of the regulatory agencies for the wetlands in the back of the site. Mr. Griffin noted that the County’s wetlands requirements do not affect the wetlands in the back and therefore, there is no reason to remove the requirement.

There were no public comments and the Public Hearing was closed.

M 327 04
Adopt
Ordinance
No. 1691
(C/U
No. 1535)

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1691 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT TO CONDITIONAL USES NO. 1370 AND NO. 1443 BY ADDING THE SALE OF MULCH, STONE, AND RELATED LANDSCAPE GOODS AND TO REMOVE THE WETLAND RESTRICTION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 39.81 ACRES, MORE OR LESS” (Conditional Use No. 1535) filed on behalf of The Barn Yard, with the following conditions:

1. The applicant shall be allowed to have up to 16 bins for the sale of mulch, stone and similar landscape materials as shown on his Preliminary Site Plan. Each bin shall not exceed 15 by 30 feet in size. All materials shall be stored in said bins.
2. The applicant shall be permitted to operate the business from 8:00 a.m. to 6:00 p.m., seven days a week.
3. Material delivery shall be limited to Monday through Friday from 8:00 a.m. to 6:00 p.m.
4. The final site plan showing the size and location of the bins shall be subject to the approval of the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Conflict
of Interest

Mr. Griffin asked Mr. Dukes to conduct the next Public Hearing due to a potential conflict of interest.

**Public
Hearing
(C/U
No. 1536)**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND WAREHOUSING FOR A BOTTLED WATER COMPANY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Conditional Use No. 1536) filed on behalf of Mr. Natural Bottled Water.

**Public
Hearing
(C/U
No. 1536)
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on April 29, 2004 at which time they recommended that the application be approved with conditions.

Mr. Abbott, Assistant Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. The summary, including the recommendation and the findings, were admitted as part of the County Council’s record.

The County Council found that Rodney Short was present on behalf of the application. He stated that they propose to move their bottled water business from it’s current location to this site; that they propose to build an 864 square foot office building and a 5,000 square foot warehouse on the site; that a 150 foot by 200 foot parking area exists on the site; that some of the existing buildings will be removed from the site; that the existing facility near the Assawoman Canal will be closed; that all water is now trucked in from Pennsylvania by tractor trailer; that all water is distributed by commercial beverage bay trucks; that warehouse hours are from 7:00 a.m. to 5:00 p.m. weekdays, except during summer months when hours extend to 7:00 p.m.; that there are no weekend business hours except for emergencies; that they would like to erect a lighted two-sided sign not to exceed 4 foot by 8 foot; that they have eight beverage bay trucks which have from four to twelve bays; that they do some retail sales of water; and that there is adequate space on site for additional parking if necessary.

Mr. Short referred to Condition No. 2 recommended by the Planning and Zoning Commission that “Business hours may be from 7:00 a.m. to 7:00 p.m. Monday through Friday. Weekend hours shall be for emergencies only. “ Mr. Short requested that the following business hours be permitted: 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturdays.

There were no public comments and the Public Hearing was closed.

**M 328 04
Adopt
Ordinance
No. 1692
(C/U
No. 1536)**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1692 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND WAREHOUSING FOR A BOTTLED WATER COMPANY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR

LESS” (Conditional Use No. 1536) filed on behalf of Mr. Natural Bottled Water, with the following conditions:

- 1. One lighted sign, not exceeding 32 square feet per side or facing, may be permitted.**
- 2. Business hours may be from 7:00 a.m. to 7:00 p.m. Monday through Friday and from 8:00 a.m. to 6:00 p.m. on Saturdays.**
- 3. The site plan shall be subject to review and approval of the Planning and Zoning Commission and shall include review and approval of a landscape plan for the office/retail building.**

**M 328 04
(continued)**

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea**

**Public
Hearing
(C/U
No. 1565)**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A HELIPAD (HELICOPTER LANDING PAD) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Conditional Use No. 1565) filed on behalf of State of Delaware Facilities Management.

The Planning and Zoning Commission held a Public Hearing on this application on April 29, 2004 at which time they recommended that the application be approved.

Mr. Abbott, Assistant Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. The summary, including the recommendation and the findings, were admitted as part of the County Council’s record.

The County Council found that Patrick Ryan of French & Ryan and Beverly Bartlett of the State of Delaware, Division of Facilities Management, were present on behalf of the application. Mr. Ryan stated that they propose to renovate and expand the existing visitors center located on Route 13 in Bridgeville into a police barracks; that they plan to build a maintenance garage for the State Police with an attached EMS facility; that the helipad will be a private facility for use for law enforcement and medical evacuations; that the helipad will not be the primary base for a helicopter; that the maximum use of the helipad will be six landings per month; that the primary base will remain in Georgetown; that the site is 800 feet from Route 404 and 2 miles from the existing Troop 5 facility; that it is not intended that the communication facility and tower at the existing Troop 5 site will be relocated; that police dog kennels are located within

close proximity to the helipad; that the dogs are trained for aircraft and accustomed to the noise; that construction should begin in Spring 2005; and that a fueling lane for vehicles is not a part of the project although they may consider it in the future.

There were no public comments and the public hearing was closed.

M 329 04
Adopt
Ordinance
No. 1693
(C/U
No. 1565)

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to Adopt Ordinance No. 1693 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A G1 GENERAL COMMERCIAL DISTRICT FOR A HELIPAD (HELICOPTER LANDING PAD) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Conditional Use No. 1565) filed on behalf of State of Delaware Facilities Management.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 330 04
Adjourn

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to adjourn at 2:07 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Robin A. Griffith
Clerk of the Council

